

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
November 26, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	PATRICIA BOYD	PRESENT
BOARD MEMBER	RON RUSSO	PRESENT
BOARD MEMBER	JOHN SMITH	PRESENT

APPROVAL OF MINUTES:

Minutes from the September 24, 2013 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Smith to approve the revised Minutes from the September 24, 2013 Board of Adjustment Meeting. The motion was seconded by Board Member Acton.

VOTE: 5-0 All-in-Favor Motion carried

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 13-09 Tax Parcel # 1900-400-534

Petitioner Jim Fitzsimmons stated that he is asking for a variance from the required nine parking spaces to five parking spaces at 916 New Rd.

Code Officer Brian Swift stated that the parking plans are not complete yet. He stated that according to item 6 on the revised Site Analysis the petition will be withdrawn if the State Fire Marshall deems the driveway a fire lane. The applicant would not be able to have five parking spaces. The applicant would have to apply to the Board for three parking spaces. The State Fire Marshall has not ruled yet.

Board Members questioned the petitioner regarding the property's use. Board Member Boyd asked about on street parking, the number of offices intended for the building, and

whether the applicant has any prospective tenants. Board Member Acton asked about the square footage of office space and whether there is any roadway access required by the state.

Jim Fitzsimmons stated that he has hired a civil engineer to prepare the plot plan, which is not complete yet. He is expecting a determination within 30 to 60 days from the State Fire Marshal whether the driveway must be deemed a fire lane. He further stated that up to 4 offices are planned for the building, which has approximately 860 square foot on each floor. There is some on-street parking; however, it is limited during the school year during school hours.

Brian Swift stated that the Town has not received any comments either for or against the petition from any residents.

Town Manager John Giles recommended that a decision include the number of parking spaces approved both if the Fire Marshall rules the driveway a fire lane and if it is not a fire lane.

Board Member Russo asked whether Corpus Christi Church would be willing to rent out parking spaces for additional parking to the petitioner. He is concerned that five parking spaces will not be enough for the property.

Mr. Giles stated that the church would not be willing to provide additional parking, that they fully use the parking lot in front of the church.

Councilwoman Joann Personti stated that parking in the church parking lot is not permitted during the school day as the school uses it for a playground and the lower parking lot is full during the day. She also cautioned against making a decision based on parking availability at the church as it could change in the future.

Chairman Personti stated that he had received a letter from the Planning Commission recommending approval of the petition.

ACTION: A motion was made by Board Member Smith to approve a variance for Petition 13-09 for the five parking spaces pending the Fire Marshall's decision for the fire lane. If the Fire Marshall requires the driveway to be a fire lane, then the petitioner can install three parking spaces. Board Member Russo seconded the motion.

VOTE: 4-1 Motion carried

Personti – Yes, Acton – No, Boyd – Yes, Russo – Yes, Smith – Yes

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Russo.

VOTE: 5-0 All-in-Favor Motion carried

These minutes summarize the agenda items and other issues discussed at the November 26, 2013 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

JAMES PERSONTI, CHAIRMAN

PATTY BOYD, SECRETARY